

# Senate Study Bill 3156

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to child care and family support subsidy services  
2 regulated or administered by the department of human services.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5381DP 82  
5 jp/nh/8

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1 1 DIVISION I  
1 2 HOME=BASED CHILD CARE LOCATION  
1 3 Section 1. Section 237A.3, Code 2007, is amended by adding  
1 4 the following new subsection:  
1 5 NEW SUBSECTION. 3. The location at which the child care  
1 6 is provided shall be a single-family residence that is owned,  
1 7 rented, or leased by the person or program providing the child  
1 8 care. For purposes of this subsection, a "single-family  
1 9 residence" does not include a commercial or industrial  
1 10 building that is primarily used for purposes other than a  
1 11 residence.

1 12 Sec. 2. Section 237A.3A, subsection 3, Code 2007, is  
1 13 amended by adding the following new paragraph:  
1 14 NEW PARAGRAPH. d. The rules shall require a child  
1 15 development home to be located in a single-family residence  
1 16 that is owned, rented, or leased by the person or, for dual  
1 17 registrations, at least one of the persons who is named on the  
1 18 child development home's certificate of registration. For  
1 19 purposes of this paragraph, a "single-family residence" does  
1 20 not include a commercial or industrial building that is  
1 21 primarily used for purposes other than a residence.

1 22 DIVISION II  
1 23 CHILD CARE RECORD CHECKS  
1 24 Sec. 3. Section 237A.5, subsection 2, Code 2007, is  
1 25 amended by adding the following new paragraph:  
1 26 NEW PARAGRAPH. cc. If a record check performed in  
1 27 accordance with paragraph "b" or "c" identifies that an  
1 28 individual is a person subject to an evaluation, the  
1 29 department shall perform the evaluation in accordance with  
1 30 this subsection, even if the application which made the person  
1 31 subject to the record check is withdrawn or the circumstances  
1 32 which made the person subject to the record check are no  
1 33 longer applicable. If the department's evaluation determines  
1 34 that prohibition of the person's involvement with child care  
1 35 is warranted, the provisions of this subsection regarding such  
2 1 a prohibition shall apply.

2 2 DIVISION III  
2 3 WRAP=AROUND FUNDING  
2 4 Sec. 4. Section 237A.13, subsection 8, Code Supplement  
2 5 2007, is amended by striking the subsection.

2 6 DIVISION IV  
2 7 FAMILY SUPPORT SUBSIDY PROGRAM  
2 8 Sec. 5. Section 225C.38, subsection 1, paragraph c, Code  
2 9 Supplement 2007, is amended to read as follows:  
2 10 c. Except as provided in section 225C.41 and this  
2 11 subsection, a family support subsidy for a fiscal year shall  
2 12 be in an amount determined by the department in consultation  
2 13 with the comprehensive family support council created in  
2 14 section 225C.48. The parent or legal guardian receiving a  
2 15 family support subsidy may elect to receive a payment amount  
2 16 which is less than the amount determined in accordance with  
2 17 this paragraph.

2 18 Sec. 6. Section 225C.38, subsection 1, Code Supplement  
2 19 2007, is amended by adding the following new paragraph:

2 20 NEW PARAGRAPH. d. If more than one family member receives  
2 21 the family support subsidy at the same time, unless a lesser  
2 22 amount is elected, the payment amount for one family member  
2 23 shall be one hundred percent of the usual amount determined by  
2 24 the department under paragraph "c" and the payment amount for  
2 25 any sibling family member shall be fifty percent of the usual  
2 26 amount. However, unless a lesser amount is elected, if the  
2 27 family support subsidy is terminated for the family member to  
2 28 whom the one hundred percent payment amount is attributed, the  
2 29 payment amount for one sibling family member of the family  
2 30 member whose subsidy was terminated shall become one hundred  
2 31 percent of the usual amount beginning with the first month  
2 32 that subsidy payment is no longer provided for the family  
2 33 member whose subsidy is terminated.

2 34 Sec. 7. Section 225C.40, Code 2007, is amended by adding  
2 35 the following new subsection:

3 1 NEW SUBSECTION. 4. If a family appeals the termination of  
3 2 a family member who has attained the age of eighteen years,  
3 3 family support subsidy payments for that family member shall  
3 4 be withheld pending resolution of the appeal.

3 5 EXPLANATION

3 6 This bill relates to child care and family support subsidy  
3 7 services regulated or administered by the department of human  
3 8 services (DHS).

3 9 HOME=BASED CHILD CARE LOCATION. This division requires  
3 10 child care homes and child development homes to be located in  
3 11 a single=family residence.

3 12 Under Code chapter 237A, a "child care home" provides child  
3 13 care to five or fewer children at any one time and is not  
3 14 registered with the department of human services. A "child  
3 15 development home" is registered with the department and may  
3 16 provide child care to six or more children at any one time.

3 17 Code section 237A.3 is amended to require child care homes  
3 18 to be located in a single=family residence that is owned,  
3 19 rented, or leased by the person providing the child care. A  
3 20 single=family residence does not include a commercial or  
3 21 industrial building that is primarily used for purposes other  
3 22 than a residence.

3 23 Code section 237A.3A is amended to require child  
3 24 development homes to be located in a single=family residence  
3 25 that is owned, rented, or leased by the person or, for dual  
3 26 registrations, at least one of the persons named on the child  
3 27 development home's certificate of registration. The  
3 28 commercial or industrial building restriction applied to child  
3 29 care homes is also applied to child development homes.

3 30 CHILD CARE RECORD CHECKS. This division relates to record  
3 31 checks applicable to child care providers.

3 32 Current law under Code section 237A.5, relating to  
3 33 personnel providing child care or living in a child care home  
3 34 or facility, requires criminal and child abuse registry checks  
3 35 to be conducted by DHS for a "person who is subject to a  
4 1 record check". This term means the person is being considered  
4 2 for licensure or registration or is registered or licensed  
4 3 under Code chapter 237A, the person is being considered by a  
4 4 child care facility (defined to mean a licensed child care  
4 5 center or registered child development home) for employment  
4 6 involving direct responsibility for a child or with access to  
4 7 a child when the child is alone or is employed with such  
4 8 responsibilities, the person will reside or resides in a child  
4 9 care facility, the person has applied for or receives public  
4 10 funding for providing child care, or the person will reside or  
4 11 resides in a child care home that is not registered under the  
4 12 Code chapter but that receives public funding for providing  
4 13 child care.

4 14 If a record check is performed and the record indicates  
4 15 that the person has committed a transgression, the department  
4 16 is required to perform an evaluation to determine if  
4 17 prohibition of the person's involvement with child care is  
4 18 warranted. "Transgression" means the record indicates the  
4 19 person has been convicted of a crime, has a record of having  
4 20 committed founded child or dependent adult abuse, is listed in  
4 21 the sex offender registry, has a record of having committed a  
4 22 public or civil offense, or DHS has revoked a child care  
4 23 facility registration or license due to the person's continued  
4 24 or repeated failure to operate the child care facility in  
4 25 compliance with law and rules adopted pursuant to the Code  
4 26 chapter.

4 27 The bill provides that an evaluation is required even if  
4 28 the application which made the person subject to the record  
4 29 check is withdrawn or the circumstances which made the person  
4 30 subject to the record check are no longer applicable. If the

4 31 evaluation determines that prohibition of the person's  
4 32 involvement with child care is warranted, the law regarding  
4 33 such prohibition is applicable. A person who provides child  
4 34 care in violation of the prohibition is subject to criminal  
4 35 penalty or injunction.

5 1 WRAP-AROUND FUNDING. This division eliminates reference to  
5 2 certain child care funding for wrap-around services provided  
5 3 through DHS in Code section 237A.13, relating to the state  
5 4 child care assistance program. The stricken subsection  
5 5 provides that a licensed child care center or registered child  
5 6 development home is deemed to be eligible for child care  
5 7 wrap-around funding if the center or home previously received  
5 8 the funding, meets requirements to be a shared vision program  
5 9 except that a shared vision program is not operated in the  
5 10 county where the center or home is located, and is providing  
5 11 child care wrap-around service that is included in the plan  
5 12 for the community empowerment area in which the center or home  
5 13 is located. The shared visions program is administered  
5 14 through the department of education to provide quality child  
5 15 development programs to preschool children.

5 16 FAMILY SUPPORT SUBSIDY PROGRAM. This division relates to  
5 17 family support subsidy program payment and appeal  
5 18 requirements.

5 19 The family support subsidy program is administered by DHS  
5 20 to assist families with a family member who is younger than 18  
5 21 and has an educational disability or special health care needs  
5 22 or otherwise meets the federal developmental disability  
5 23 definition.

5 24 The bill provides that if a family has an initial family  
5 25 member for whom family support subsidy payments are provided,  
5 26 the payment amount for any subsequent sibling family member is  
5 27 50 percent of the usual payment amount under the program. If  
5 28 the subsidy for the initial family member is terminated, the  
5 29 payment amount for the next sibling family member becomes 100  
5 30 percent of the usual amount beginning with the first month the  
5 31 initial family member's payment is no longer provided.

5 32 The bill also provides that if a family appeals the  
5 33 termination of a family member who attains age 18, family  
5 34 support subsidy payments are withheld while resolution of the  
5 35 appeal is pending.

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6 2 jp/nh/8.1